

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6719

BILL NUMBER: HB 1175

NOTE PREPARED: Feb 25, 2009

BILL AMENDED: Feb 23, 2009

SUBJECT: Victims' Rights.

FIRST AUTHOR: Rep. Riecken

FIRST SPONSOR: Sen. Becker

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill provides that if a motion is made to postpone a trial or other court proceeding involving certain offenses, the court shall consider whether a postponement will have an adverse impact on certain victims.

The bill provides that a victim has the right to be free from intimidation, harassment, and abuse throughout the criminal justice process.

It provides that, if defense counsel would like to depose or interview a child less than 16 years of age who is a victim or alleged victim of a sex offense, defense counsel must contact the prosecuting attorney. The bill specifies that the prosecuting attorney may not instruct the child not to speak with defense counsel. It also provides that, if defense counsel wishes to depose a child, defense counsel must arrange the deposition through the prosecuting attorney, who may request certain conditions be placed on the deposition in accordance with the Indiana trial rules. This bill authorizes a court to impose reasonable conditions on a deposition if the parties are unable to reach an agreement on the conditions of the deposition without the intervention of the court.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill may increase court workload to the extent that (1) cases

involving an endangered adult are delayed, or (2) parties involved in a sexual offense case involving a child cannot agree to the terms of a deposition, and a court orders a hearing regarding the deposition terms. Actual increases in court workload are indeterminable but expected to be small.

The bill also establishes procedures that a prosecuting attorney must perform when defense counsel requests to depose a child. This will increase the workload of the local prosecuting attorney; however increases are expected to be minimal.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts; Prosecuting attorneys.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.